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Docket: 0756-1717

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on September 20, 2000.

  
Cameron S. Gilligan

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT application of )  
Shunpei YAMAZAKI )  
Serial No. 08/926,592 ) Group Art Unit: 2813  
Filed: September 9, 1997 ) Examiner: M. Whipple  
For: LAYER MEMBER FORMING )  
METHOD ) Date: September 20, 2000

**RESPONSE**

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

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The Office Action of April 21, 2000 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Filed concurrently herewith is a *Request for a Two Month Extension of Time* which extends the shortened statutory period of response to September 21, 2000. Accordingly, Applicants respectfully submit that this response is being timely filed

112, first paragraph. Although the Applicant stated in the specification that it is

desirable to form a first film by photo CVD in order to avoid a damage to a substrate, one may wish to use a plasma CVD rather than a photo CVD for forming a first film because of a larger deposition rate of the plasma CVD even if one knows that a plasma CVD may cause damage to a substrate. Applicants contend that the specification never teaches that a plasma CVD should not be used for forming a first film. As a result, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Referring to the rejection of claims 13, 14, 19-21 and 23-25 under 35 U.S.C. 103(a) based on Foster et al., Sherman and Coleman '784, the Examiner contends that it would have been obvious to introduce gases through electrodes in the apparatus of Foster et al. in view of Sherman and Coleman. This rejection is traversed for the reasons advanced below, as well as those presented in the *Amendment* of January 5, 2000, those being incorporated herein by reference.

Initially, Applicant contends that there is no suggestion or motivation to combine the teachings of Foster et al. and Sherman and Coleman to achieve the claimed invention since the references to Foster et al. and Coleman fail to teach any cleaning step and, thus, similarly do not teach the introduction of a cleaning gas through an electrode.

The Examiner contends that introducing gases through electrodes is extremely well known in the art to provide a plasma as taught by both Sherman (Fig. 5, Item 36) and Coleman (Fig. 3). With respect to Fig. 3 of Coleman, it should be noted that Fig. 3 does not show how the gases are introduced. (See column 5, line 43). Also, the apparatus shown in Fig. 5 of Sherman is entirely

electrode 35 in the crucible 31, and a power lead 36. Gas enters the crucible 31,

is formed into an RF glow discharge therein, and the resulting reactive species are projected from the chamber 30 via the apertures 37 of the crucible 31. (See column 7, lines 1-7). This does not show that gases are introduced through one of a pair of electrodes as required by the rejected claims. Therefore, even if these references are combined, the claimed invention cannot be achieved.

Applicants respectfully request that the double patenting rejection be held in abeyance until allowable claims are pending in the instant application.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 13-17 and 19-30 be allowed, and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

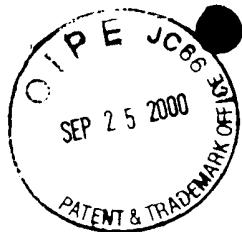
Respectfully submitted,



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METHOD ) Date: September 20, 2000

Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is a *Petition for Two Months Extension of Time*, an *Supplement to Prior Information Disclosure Statement and Notification of Related Application and Request for Consideration of Information Disclosure Statements*, *Notice of Change of Name and Correspondence Address* and a *Response* in the above-identified application.

Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.

A verified statement to establish small entity status under 37

No additional fee is required.



The fee has been calculated as shown below:

Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Small/Large Entity Rate	Fee
Total 31	Minus 32	-0-	x \$9/\$18	\$ -0-
Indep. 5	Minus 8	-0-	x \$39/\$78	\$ -0-
First Presentation of Multiple Dependent Claim			+ \$130/\$260	\$ -0-
TOTAL				\$ -0-

A check in the amount of \$ 380.00 to cover the *Two Months Extension of Time* petition filing fee is enclosed.

In the event applicant(s) has overlooked the need for any petition and fee for extension of time, and such extension is required, applicant(s) requests that this be considered a petition therefor and that such fee be charged to Deposit Account No. 19-2380 (0756-1717).

The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 (except the Issue Fee) which may be required now or hereafter, or credit any overpayment, to Deposit Account No. 19-2380 (0756-1717). A duplicate copy of this sheet is attached.

Respectfully submitted,

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